

DRAFT

MINUTES OF THE CITY COUNCIL
OF THE
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

7 NOVEMBER 2001

Pursuant to motion at the 16 October 2001 Council meeting, the City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Yvonne J. Johnson, Earl F. Jones, Robert V. Perkins, Thomas M. Phillips, Donald R. Vaughan and Nancy Vaughan. Absent: None. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

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Noting that the employee scheduled to serve as courier for this meeting was not in attendance, the City Manager recognized Susan Crotts, employee in the City Clerk's Office of the Legislative Department, who served as courier for the meeting.

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The Mayor explained the Council procedure for conduct of the meeting. He expressed appreciation to citizens who had exercised their right to vote in the November 6 municipal election and to Councilmembers Earl Jones and Nancy Vaughan for their service to Greensboro.

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Councilmember Johnson recognized a group of North Carolina A&T State University students who were present for the meeting.

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Councilmember Johnson introduced and read into the minutes a Resolution honoring the memory of the late Waldo Falkener and authorizing the placement of a plaque in his honor at Fire Station # 4. Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

209-01 RESOLUTION HONORING THE MEMORY OF THE LATE WALDO FALKENER AND AUTHORIZING THE PLACEMENT OF A PLAQUE IN HIS HONOR AT THE FIRE STATION NO. 4 LOCATION

WHEREAS, the City Council and the people of Greensboro wish to honor the memory of Waldo Falkener who was the second African American council member of the Greensboro City Council and wish to express to his family their respect for his memory;

WHEREAS, a native of Greensboro, he received his formal education from Tuskegee Institute and graduated from Fisk University in Nashville where he majored in Political Science;

WHEREAS, Falkener served on the City Council from 1959 until 1963 and remained in the public service arena until the mid 1970's;

WHEREAS, a bail bondsman, entrepreneur, and investor, Falkener served on many organizations and committees which included, the Council's Public Works and Finance Committees, a participant in the Municipal and International Mayor's Conferences, North Carolina co-chairman of the Civil Rights platform for President John F. Kennedy, a member of the N.C. League of Municipalities, National and International Municipal Congress, select member of Governor Terry Sanford's Bond Election Committee for Guilford County, Mayor's Committee on Human Relations, Trustee of St. James Presbyterian Church, North Carolina Black Caucus, Greensboro Men's Club and the National Alumni Association of Fisk University just to name a few;

WHEREAS, a ceremony will be held honoring Waldo Falkener and the original group of African American Firefighters who served at Engine Co. No. 4 at which time a plaque in his honor will be placed at the Fire Station No. 4 location.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That it hereby expresses, on behalf of the people of Greensboro a feeling of respect and gratitude for the public service of the late Waldo Falkener and hereby directs that a copy of this resolution be delivered to the family in honor of his memory.

2. That a plaque will be presented and placed at the Fire Station No. 4 location in his honor during a ceremony to be held at a future date.

(Signed) Claudette Burroughs-White

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The City Manager and Allan Williams, Water Resources Department Director, provided an update with respect to Greensboro's current water situation; i.e., the City's request for voluntary water conservation by Greensboro water users, particularly the request to discontinue the watering of established grass lawns, etc. They also provided details with regard to the current purchase of water from Reidsville and conditions related to the agreement between the two cities.

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The Mayor stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Zoning, Planning and Development to amend permitted use Table 30-4-5-1 to permit service vacuum coating using physical vapor deposition in CP, LI, and HI Districts.

After the Manager noted that this was a fine example of City staff working with economic developer recruiters to bring a new business to Greensboro, C. Thomas Martin, Planning Department Director, stated this proposed ordinance was being brought directly to Council in order to expedite the process and allow the location of a new industry in the City.

The Mayor asked if anyone wished to be heard.

Heather Bischoff, 342 North Elm Street, spoke in favor of the ordinance and encouraged its adoption by Council. She stated she believed this action was proactive and pro-business, spoke to the cooperation of City staff in this endeavor, stated this action would permit a new industry to locate in Greensboro and spoke to the operation of the new business and the positive economic impact it would have on the City.

Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted by voice vote of the Council. Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Perkins; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Table 30-4-5-1, Permitted Use Schedule, is hereby amended by adding in alphabetical sequence under the Manufacturing and Industrial Uses subsection the following use to read "Service Vacuum Coating Using Physical Vapor Deposition", by placing a "0000" entry in the Ref SIC column, by placing a "4" in the LUC column and by placing "P" entries in the CP, LI, and HI columns.

Section 2. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

(Signed) Yvonne J. Johnson

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Kruze Street from Gorrell Street southward to East Lee Street, a distance of approximately 565 feet. The Mayor asked if anyone wished to be heard.

Warren Campbell, residing at 414 Martin Luther King Jr. Drive, spoke in favor of the street closing and noted this action would assist the Gate City Development Corporation in moving forward with plans to provide housing in the area.

Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council. Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

210-01 RESOLUTION CLOSING KRUZE STREET FROM GORRELL STREET SOUTHWARD TO EAST LEE STREET, A DISTANCE OF APPROXIMATELY 565 FEET

WHEREAS, the owners of all of the property abutting both sides of Kruze Street have requested in writing that said portion of street be closed and abandoned as a public street;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Wednesday, November 7, 2001, at 6:00 p.m. on the closing of said portion of street;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of street have requested in writing that said portion of street be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of street is not contrary to the public interest and that no individual or other party owning property in the vicinity of the street or in the subdivision in which the street is located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of street is hereby permanently closed and abandoned as a public street:

KRUZE STREET – FROM GORRELL STREET SOUTHWARD TO EAST LEE STREET, A DISTANCE OF APPROXIMATELY 565 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned street until such time as said line is no longer required by the City.

(Signed) Thomas M. Phillips

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The Mayor stated that this was the time and place set for a public hearing to consider a resolution closing Cheyenne Drive from Friendly Manor Drive Southwestward to its end, a distance of approximately 85 feet and Friendly Manor Drive from Muirs Chapel Road Westward to its end, a distance of approximately 900 feet. The Mayor asked if anyone wished to be heard.

After brief comments by Mr. Martin and there being no one present desiring to speak to this matter, Councilmember Phillips moved to close the public hearing. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council. Councilmember Phillips moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White. After the vote was recorded, Councilmember Perkins advised that because of his company's involvement he believed he should abstain from voting on this matter. Councilmember Carmany moved to excuse Councilmember Perkins from voting and to instruct the Clerk to clear the board. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council. The resolution was thereupon adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Phillips, Vaughan and Vaughan. Noes: None, with Councilmember Perkins abstaining due to conflict of interest.

210-01 RESOLUTION CLOSING CHEYENNE DRIVE FROM FRIENDLY MANOR DRIVE
SOUTHWESTWARD TO ITS END, A DISTANCE OF APPROXIMATELY 85 FEET AND FRIENDLY
MANOR DRIVE FROM MUIRS CHAPEL ROAD WESTWARD TO ITS END, A DISTANCE OF
APPROXIMATELY 900 FEET

WHEREAS, the owners of all of the property abutting both sides of Cheyenne Drive and Friendly Manor Drive have requested in writing that said portion of the streets be closed and abandoned as a public streets;

WHEREAS, a notice was duly published that a public hearing would be held by the City Council in the Council Chamber in the Municipal Office Building on Wednesday, November 7, 2001, at 6:00 p.m., on the closing of said portion of streets;

WHEREAS, the public hearing has now been held and no objections have been made to the closing thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby finds as a fact that the owners of all of the property abutting both sides of the hereinafter mentioned portion of streets have requested in writing that said portion of streets be closed.

2. That the City Council hereby finds as a fact that the closing of the portion of streets is not contrary to the public interest and that no individual or other party owning property in the vicinity of the streets or in the subdivision in which the streets are located will be deprived of reasonable means of ingress or egress to his or its property.

3. That the following portion of the streets are hereby permanently closed and abandoned as public streets:

CHEYENNE DRIVE – FROM FRIENDLY MANOR DRIVE SOUTHWESTWARD TO ITS END, A
DISTANCE OF APPROXIMATELY 85 FEET

FRIENDLY MANOR DRIVE – FROM MUIRS CHAPEL ROAD WESTWARD TO ITS END, A
DISTANCE OF APPROXIMATELY 900 FEET

4. That the City of Greensboro hereby reserves a utility easement over each existing utility line located in the above mentioned streets until such time as said line is no longer required by the City.

(Signed) Thomas M. Phillips

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After the City Manager removed Item #14 and Councilmember Phillips removed Item # 9, Councilmember D. Vaughan moved adoption of the Consent Agenda, as amended. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

212-01 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-08A WITH KENNETH R. GREENE, UTILITY CONTRACTOR, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT "E" PROJECT

WHEREAS, Contract No. 2000-08A with Kenneth R. Greene, Utility Contractor, Inc. provides for sanitary sewer rehabilitation Project "E" improvements;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" for a period of 12 months from the award date, thereby necessitating a change order in the contract in the amount of \$325,227.51.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Kenneth R. Greene, Utility Contractor, Inc. for the Sanitary Sewer Rehabilitation Project "E" Improvements is hereby authorized at a total cost of \$325,227.51, payment of said additional amount to be made from Account No. 503-7062-01.6017 (003).

(Signed) Donald R. Vaughan

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213-01 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2001-11 WITH YATES CONSTRUCTION COMPANY FOR THE FRANKLIN BOULEVARD CULVERT IMPROVEMENTS

WHEREAS, Contract No. 2001-11 with Yates Construction Company provides for Franklin Boulevard Culvert improvements;

WHEREAS, due to poor site conditions, there is a need to replace unsuitable soil with appropriate backfill material to insure a stable road bed, thereby necessitating a change order in the contract in the amount of \$24,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Yates Construction Company for the Franklin Boulevard Culvert Improvements is hereby authorized at a total cost of \$24,000.00, payment of said additional amount to be made from Account No. 402-6001-01.6014 CBR 004.

(Signed) Donald R. Vaughan

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214-01 RESOLUTION AUTHORIZING AND APPROVING SALE OF LAND TO NC A&T FOUNDATION

WHEREAS, the City of Greensboro owns residual property located at 1911 Lutheran Street at Tax Map Number 99-2-6, said property being shown on the attached map, for which the City has no governmental or other public need;

WHEREAS, NC A&T Foundation, has offered to purchase said property at the appraised value of \$4,500.00, which appraisal, in the opinion of the City Council is fair and reasonable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That pursuant to Section 4.122 of the City Charter, the appraisal of the above mentioned residual property in the amount of \$4,500.00 is hereby approved and the sale of land to NC A&T Foundation in accordance with the appraisal is hereby authorized; and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper deed to convey said property.

(Signed) Donald R. Vaughan

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215-01 RESOLUTION APPROVING THE SALE OF 1402-1404 PLYMOUTH STREET FROM THE REDEVELOPMENT COMMISSION OF GREENSBORO TO NEW ZION MISSIONARY BAPTIST CHURCH

WHEREAS, the Redevelopment Commission of Greensboro currently owns two lots in the Arlington Park neighborhood located at 1402 and 1404 Plymouth Street;

WHEREAS, New Zion Missionary Baptist Church has proposed building a landscaped parking lot on these lots;

WHEREAS, plans for the landscaping and parking lot have been completed and approved;

WHEREAS, the deed will be subject to restrictive covenants and require completion of the project within a year of disposition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the sale of 1402-1404 Plymouth Street from the Redevelopment Commission of Greensboro to New Zion Missionary Baptist Church subject to restrictions set out above is hereby approved.

(Signed) Donald R. Vaughan

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01-213 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO COUNCIL MEETINGS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by changing one regular meeting date of the City Council in 2002 as follows:

“The August 6 meeting shall be held on August 5 in order to observe National Night Out”

Section 2. That all laws and clauses of laws in conflict of the provision of this ordinance are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon adoption.

(Signed) Donald R. Vaughan

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Motion to approve the 2002 City Council Meeting Schedule, as amended and listed below, was unanimously adopted. The date or time of the Council meetings and briefings may be changed if deemed necessary by the City Council.

2002 COUNCIL MEETING DATES: January 1 meeting not held, January 15, February 5, February 19, March 5, March 19, April 2, April 16, May 7, May 21, June 4, June 18, July 2, July 16, August 5 (Monday-changed from August 6 in order to observe Police National Night Out), August 20, September 3, September 17, October 1, October 15, November 5, November 19, December 3, December 17. Council Meetings are held at 6:00 p.m. in the Council Chambers in the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, NC, unless otherwise noted

2002 COUNCIL BRIEFING DATES: January 22, February 26, March 26, April 23, May 28, June 25, July 23, August 27, September 24, October 22, November 26, December briefing not held. Council briefings are held at 9:00 a.m. in the Plaza Level Conference Room in the Melvin Municipal Office Building, 300 West Washington Street, Greensboro, NC.

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Motion to approve report of Budget Adjustments for period September 11 – 30, 2001 was unanimously adopted by Council. (A copy of the report is filed in Exhibit Drawer N, Exhibit Number 1, which is hereby referred to and made a part of these minutes.)

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Motion to approve minutes of special meeting of 11 October 2001, regular meeting of 16 October 2001 and canceled meeting of 25 October 2001 was unanimously adopted by Council.

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The Mayor introduced a Resolution authorizing City Attorney to institute proceedings to condemn portion of the property of Stanley H. Wilson and wife, Sandra C. Wilson, in connection with the Pisgah Church Road at Battleground intersection improvements which had been removed from the Consent Agenda by Councilmember Phillips.

In response to Councilmember Phillips' inquiry, Keith Pugh, representing the Engineering and Inspections Department, stated that these improvements had been planned by the City and were not the result of the rezoning of property for the location of a CVS Pharmacy in the area.

Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

216-01 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF STANLEY H. WILSON AND WIFE, SAUNDRA C. WILSON, IN CONNECTION WITH THE PISGAH CHURCH ROAD AT BATTLEGROUNDS INTERSECTION IMPROVEMENTS

WHEREAS, Stanley H. Wilson and wife, Sandra C. Wilson are the owners of certain property located on Battleground Avenue, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Pisgah Church Road at Battleground Intersection Improvements Project;

WHEREAS, negotiations with the owners at the appraised value of \$17,000.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$17,000.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$17,000.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 402-4531-01.6012.CBR 007.

(Signed) Sandy Carmany

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The Mayor introduced a Resolution approving \$15,000 expenditure from Council Contingency Fund for matching funds for four additional prosecutors for District Attorney's Office which had been removed by the City Manager.

Stuart Albright, Guilford County District Attorney, explained this opportunity for his office to receive a \$160,000 grant annually for three years to fund four additional prosecutors, three of which would be located in Greensboro; he also explained his request to area governing bodies for matching funds. He stated the new positions would allow experienced attorneys to concentrate on firearm-related felonies and would benefit citizens and law enforcement.

Council discussed at length individual opinions and concerns with respect to the request for Greensboro to participate in this effort; i.e., Greensboro citizens would pay more than citizens residing in unincorporated Guilford County, the fact that High Point did not support the request, the disposition of this program after three years, and the opinion of some members of Council that Guilford County should be responsive to taxpayers and fund this county-wide effort. Additional discussion was held with Guilford County's unresponsiveness to this and other important issues, and Council's desire for a meeting between the two governing bodies. After stating that their concerns were not with Mr. Albright or this request but with the failure of Guilford County to fund the entire request, some members of Council offered personal reasons why each would or would not support the ordinance.

After additional discussion, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones and D. Vaughan. Noes: Perkins, Phillips and N. Vaughan.

217-01 RESOLUTION APPROVING \$15,000 EXPENDITURE FROM COUNCIL CONTINGENCY FUND FOR MATCHING FUNDS FOR FOUR ADDITIONAL PROSECUTORS FOR DISTRICT ATTORNEY'S OFFICE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

WHEREAS, a grant has been received by the Guilford County District Attorney's Office for the addition of four (4) additional prosecutors to help combat firearm related crimes for the next three years;

WHEREAS, three (3) of the prosecutors will be located in Greensboro;

WHEREAS, the total grant is \$160,000 per year, of which \$15,000 in local matching funds will be contributed by Guilford County; \$15,000 by the City of Greensboro; and \$10,000 by the City of High Point;

WHEREAS, it is deemed in the best interest of the City of Greensboro to support the additional prosecutors in order to increase efforts to reduce incidences of serious and violent firearm related crimes in the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the expenditure of \$15,000 from the Contingency Fund to support the addition of four (4) prosecutors in the Guilford County District Attorney's Office is hereby approved.

(Signed) Claudette Burroughs-White

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The Mayor introduced an ordinance amending in the amount of \$380,105 the FY 01-02 Greensboro Transit System (GTA) Fund.

After brief discussion, Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: Phillips.

01-214 ORDINANCE AMENDING THE FY 01-02 GREENSBORO TRANSIT SYSTEM (GTA) FUND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the Transit System (GTA) Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
564-4531-01.6566	Transfer to GTA Multi-Modal Fund	<u>\$380,105</u>

TOTAL: \$380,105

and, that this increase be financed by increasing the following Transit System (GTA) Fund accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
564-0000-00.8900	Appropriated Fund Balance	<u>\$380,105</u>

TOTAL: \$380,105

(Signed) Earl Jones

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After the introduction the Mayor of an ordinance amending in the amount of \$280,000 the State, Federal and Other Grants Fund Budget for the purchase of Fire Capital Equipment, Councilmember Johnson moved its adoption. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

01-215

ORDINANCE AMENDING THE STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE PURCHASE OF FIRE CAPITAL EQUIPMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4054-01.5239	Miscellaneous	105,000
220-4054-01.6059	Other Capital Equipment	<u>175,000</u>
TOTAL:		\$280,000

And, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4054-01.7110	State Grants	\$280,000

(Signed) Yvonne J. Johnson

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After the introduction by the Mayor of an ordinance amending in the amount of \$400,000 the State, Federal and Other Grants Fund Budget for the Metropolitan Medical Response System, Councilmember Carmany moved its adoption. The motion was seconded by Councilmember Jones; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

01-216 ORDINANCE AMENDING THE STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE METROPOLITAN MEDICAL RESPONSE SYSTEM

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4055-01.5000	Maintenance and Operations	<u>\$400,000</u>
TOTAL		\$400,000

And, that this increase be financed by increasing the following State, Federal and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4055-01.7110	State Grants	\$400,000

(Signed) Sandy Carmany

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The Mayor introduced an addendum item, resolution amending grant agreement with Project Homestead for 853 South Elm Street.

Andy Scott, Housing and Community Development Department Director, explained the process used by the City several years ago to enter into an agreement with Project Homestead to provide funding to acquire and rehabilitate a warehouse for a job-training program; he added that the structure had been acquired and the rehabilitation was substantially complete. Mr. Scott advised the proposed use of the structure as a class and training facility had not come to fruition because of unforeseen circumstances that had reduced the State funding for this project. He stated Project

Homestead used a portion of the facility to house its operations and leased 25% of the structure for profit. He advised that because Project Homestead had completed the majority of work on the facility, they had requested reimbursement for the renovation costs. Mr. Scott stated if Council agreed to accommodate Project Homestead's request, the original agreement must be amended to change the manner in which Project Homestead was reimbursed for construction to post-construction cost-certification.

Michael King, representing Project Homestead, stated that this facility had been proposed as a multi-faceted facility that would concentrate on training for people for jobs with a focus on construction; he added that he was not aware of the specific details in the contract, had never intended to use this entire building as a training facility and had shared this information with Council at the time the funding was approved. Mr. King provided details with respect to the proposed uses of the facility and plans to rent a portion of the facility, the timeframe for the preparation of the original contract, Project Homestead's attempts to secure Federal and State funding and other financing for the facility and the loss of grants when the North Carolina Governor withdrew state funding. He also spoke to the integrity of Project Homestead, the group's efforts to work with the City to provide training for jobs that are available and the past assistance Project Homestead had provided to the City with regard to failing housing efforts.

Noting that his department did not process this contract, Mr. Scott noted confusion surrounding the contract requirements because of Project Homestead's direct approach to Council. Speaking to the contract changes being requested, he advised he was concerned with procedures and the manner in which Project Homestead had chosen to use another process instead of the City's established process which would not directly reimburse the non-profit agency; i.e., spending funds in different ways than those specified in the contract so the rehabilitation staff could not review and determine verifiable expenses. Mr. Scott emphasized because this dealt with procedural issues, the Council must decide whether or not the specifications in the contract should be changed and should provide directions to his staff. Mr. Scott also spoke to City actions that could be taken if funding to Project Homestead was not verifiable.

Lengthy Council discussion was held with regard to procedural issues, the appropriate manner by which Council could assist Project Homestead, the fact that Project Homestead would receive the requested funding in due time, the concern that approving these amendments to the agreement with this non-profit agency would set a precedent for other requests for the same special consideration, the opinion of some members of Council that this was a unique situation that they believed should be handled differently, etc.

The City Attorney expressed strong concern with the requested amendments to the contract because Project Homestead had not followed the contract plan. She reiterated that the contract specified how the money designated to Project Homestead was to be used and also specified that Project Homestead would not receive funding without appropriate documentations; she stated that this was the first time she had heard that there was a problem with this contract. The City Attorney confirmed that these were unique circumstances and that Project Homestead would ultimately receive the funds.

Stating that the contract with Project Homestead specified that they could not rent property for ten years and that the property had to be used for non-profits, Councilmember Phillips stated he could not support the requested contract amendments because Project Homestead had not followed contractual procedures.

The following motions were made to amend the grant agreement with Project Homestead for 853 South Elm Street which are reflected in the following resolution.

1. Councilmember Johnson moved that the grant agreement be amended to permit the (Project Homestead) facility (at 853 S. Elm St.) to be used as a multi-purpose facility. The motion was seconded by Councilmember Jones; the motion was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.
2. Councilmember Jones moved that the grant agreement be amended to provide the use of the facility for other Project Homestead operations and to allow Project Homestead to use the space for for-profit purposes as well as non-profit purposes. Councilmember Perkins asked that the motion include the provision that 75% of the building be used at all times for non-profit purposes with a maximum of 25% used as for-profit. The City Attorney requested that the motion include a provision that the funds from the for-profit purposes be used for non-profit purposes; i.e. paying the mortgage. Councilmember Jones amended his motion to also include the provisions as stated by Councilmember Perkins and the City Attorney. The motion was seconded by

Councilmember Carmany; the motion was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: Phillips.

3. Councilmember N. Vaughan moved that the original grant be amended to change the reimbursement requirements from construction cost to post-construction cost certification. The motion was seconded by Councilmember Phillips; the motion was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Vaughan and Vaughan. Noes: Phillips

219-01 RESOLUTION AMENDING GRANT AGREEMENT WITH PROJECT HOMESTEAD FOR 853 SOUTH ELM STREET

WHEREAS, in June, 1999 the City granted Project Homestead funding for renovation of a warehouse on South Elm Street to provide the location for a non-profit job training facility exclusively for a ten year period to be operational by December, 1999;

WHEREAS, during renovation, the funding secured by Project Homestead for the job training program was redirected toward the Hurricane Floyd Relief efforts and to date Project Homestead has not received any funds from the State;

WHEREAS, renovation work has been completed and Project Homestead occupies a substantial portion of the building and has leased 25% to a for-profit tenant;

WHEREAS, the original Grant Agreement provided for the renovation work to be paid for on a construction draw basis;

WHEREAS, due to unforeseen factors state above, Project Homestead is requesting that City Council amend the Grant Agreement to reflect that the job-training program did not meet the December, 1999 requirement and is currently not in operation; to provide for uses of the facility by other Project Homestead Operations and determine that excess space may be leased to non-affiliated for-profit firms; and change the reimbursement requirements from construction cost to post-construction cost certification.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Grant Agreement with Project Homestead for 853 South Elm Street be amended to reflect the changes as set out above.

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The Mayor introduced an addendum item, a resolution authorizing transfer of funds to Project Homestead's Turning Point Subdivision.

Mr. Scott advised this was a housekeeping issue because the State of North Carolina required that the City state that these funds, which had been included in the overall budget, were designated for Turning Point.

After brief discussion, Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Jones; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Holliday, Johnson, Jones, Perkins, Phillips, Vaughan and Vaughan. Noes: None.

218-01 RESOLUTION AUTHORIZING TRANSFER OF FUNDS TO PROJECT HOMESTEAD'S TURNING POINT SUBDIVISION

WHEREAS, the City of Greensboro in partnership with Project Homestead has developed the Turning Point, a 129 lot affordable home subdivision in North East Greensboro:

WHEREAS, the second phase of development was divided into two equal increments of \$587,120; the first increment was approved as part of the 2000/2001 Housing and Community Development Plan and the second increment is included in the 2001/2001 Housing and Community Development Plan;

WHEREAS, in further promotion of the City's affordable housing goals, it is necessary for the City to reimburse the developer for the cost incurred in developer's second phase of the development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That \$587,125, the second increment of Phase II be allocated from the Nussbaum Housing Partnership Fund to Project Homestead's Turning Point Subdivision, payment to be made from Account No. 211-2206-04.

(Signed) Claudette Burroughs-White

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The Mayor declared a recess at 8:07 p.m.

The meeting re-convened at 8:20 p.m. with all members of Council present.

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Bob Jones and Willie Reese, Jr., representing Wadsworth Congregational Church, Sedalia, NC, expressed concern with respect to the lengthy process they had experienced with regard to their attempts to receive Greensboro water and sewer for the church. Stating they had received conflicting information from the staff of the City of Greensboro and Guilford County, they requested Council to provide assistance.

Discussion was held with regard to the current City water and sewer policy, the location of the Church in the Rock Creek Center, the cost to the Church to receive the services, and the procedures the Church must undertake to receive the Greensboro services. For clarity, the Manager explained the City process with regard to this matter and stated that City staff could advise Church representatives but the Church was responsible for hiring an engineer to provide information about specific cost to the Church to receive Greensboro services. The City Manager advised that appropriate members of City staff would contact Mr. Jones to explain the process the Church would be required to follow to obtain these services.

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Marie Stanley, residing at 2010 Cheltenham, offered her personal suggestions to address various issues concerning young people.

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Robert Moore, residing at 2517 Ponderosa Drive, offered his personal suggestions which he believed would enhance safety on City sanitation trucks, expressed appreciation for bus service to Glenfield Homes, spoke to the need for a recreation center for senior citizens in this area, and requested the Council to provide financial assistance to him to help people that want jobs.

After brief discussion with regard to the installation of backup cameras on City trucks, the City Manager advised he was not prepared to provide information at this time.

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Bill Burckley, residing at 615 Morehead Avenue, expressed appreciation for the City's assistance in resolving concerns with trash pickup services in the College Hill area, expressed concern with respect to the efficiency of the court system in Greensboro and discussed with the Mayor the desire for information regarding the Town-Gown group meetings.

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Councilmember Perkins moved that John M. Murray be appointed to serve a term on the Heating Examining Board in the position formerly held by Drayton Stott; this term will expire 15 August 04. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Perkins moved that Michael S. Raneri be appointed to serve a term on the Board of Electrical Examiners in the position formerly held by Jesse Morehead; this term will expire 15 August 04. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Perkins moved that William R. "Rick" Fuller be appointed to serve a term on the Minimum Housing Standards Commission in the position formerly held by Marty Miller; this term will expire 15 August 02. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Perkins moved that Tracy Leonard be appointed to the Commission on the Status of Women in the position formerly held by Jeanne Hudgens; this term will expire 15 August 03. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Council briefly discussed the timeframe for filling other board and commission appointments.

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After brief discussion with the City Manager, it appeared to be the consensus of Council to schedule a visit to the Durham Solid Waste Transfer Station on November 20. Councilmember D. Vaughan suggested that Council consider conducting a public hearing in January 2002 to receive input from citizens with respect to this matter.

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Councilmember Johnson added the name of Jerono Phylis Rotich to the boards and commissions data bank for consideration for service on the Commission on the Status of Women.

Councilmember Johnson moved that Michael Coleman be appointed to serve a term on GCTV. After some members of Council expressed concern with the appointment to this board of a person who used the medium extensively, Councilmember Johnson withdrew her motion.

Councilmember Johnson moved that Gregory Woodard be appointed to serve a term on the Guilford County Parks and Recreation Commission in the position formerly held by Rob Bencini; this term will expire 31 December 04. The motion was seconded by Councilmember Burroughs-White and adopted unanimously by voice vote of Council.

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Council discussed various meetings and events of interest.

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In response to an inquiry by Councilmember N. Vaughan, the City Attorney advised that information would be provided to Council with regard to the feasibility of creating an ordinance to address problems involving property owners of multiple sub-standard buildings.

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The Mayor spoke briefly to information needed by the Clerk for some names added to the boards and commissions data bank.

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After brief discussion with the City Manager, it appeared to be the consensus of Council to meet in a Council work session on December 11, 2001 from 8:30am to 1:00 p.m. in the Plaza Level Conference Room of the Melvin Municipal Office Building.

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At the request of the City Attorney, Councilmember Johnson moved that the City Council adjourn to closed session for the purpose of discussing a lawsuit between MCI and the City of Greensboro. The motion was seconded by Councilmember Jones and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 9:15 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
